

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:

RICHARD M. OSBORNE,

Debtor.

Case No. 17-17361-aih

Chapter 11

Judge Arthur I. Harris

**FIRST NATIONAL BANK OF PENNSYLVANIA’S LIMITED OBJECTION TO
DEBTOR’S MOTION TO EMPLOY LESLIE E. WARGO, ESQ.
AS SPECIAL COUNSEL**

Creditor First National Bank of Pennsylvania (“**FNB**”), successor by merger to Park View Federal Savings Bank, by and through its undersigned counsel, hereby objects to the *Motion of Richard M. Osborne Sr., Debtor in Possession to Employ Leslie E. Wargo, Esq. as Special Counsel* [Docket No. 405] (the “**Motion**”) filed by Richard M. Osborne, the debtor and debtor-in-possession herein (the “**Debtor**”). In support FNB states as follows:

The Motion provides that the Debtor is seeking to employ Leslie E. Wargo, Esq. (“**Ms. Wargo**”) to handle a number of different matters, including (i) the collection of a claim owed to the Debtor with respect to a personal loan the Debtor made to an individual named Michael Gorman who currently resides in North Carolina; (ii) the collection of a claim owed to the Debtor by his son Greg Osborne, (iii) to assist Debtor’s bankruptcy counsel with discovery and litigation related to FNB’s motion to appoint a chapter 11 Trustee; (iv) to assist Debtor’s counsel with the discovery and litigation related to proceedings to determine the extent, validity and priority of liens; and (v) other collection matters.

In general, FNB does not object to the Debtor's retention of Ms. Wargo or her proposed hourly rate. Notwithstanding the foregoing, FNB objects to the Debtor's request to employ Ms. Wargo to the extent the Debtor proposes to pay Ms. Wargo on an hourly basis—\$300 per hour—to handle collection matters. The Motion does not provide any information or explanation regarding whether these collection matters require specialized knowledge or are particularly complex to justify Ms. Wargo's retention at \$300 per hour. FNB submits this limited objection to the retention of Ms. Wargo on an hourly fee basis for the prosecution of general collection matters; however, FNB would withdraw its limited objection if Ms. Wargo would pursue these actions on a contingent fee basis.

WHEREFORE, FNB respectfully requests the entry of an Order denying the Motion and granting FNB such other and further relief as is proper and just.

Dated: March 25, 2019

Respectfully submitted,

/s/ Heather E. Heberlein

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COUNSEL FOR FIRST NATIONAL BANK OF
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CERTIFICATE OF SERVICE

The undersigned certifies that on March 25, 2019, a true and correct copy of the foregoing was served via the Court's electronic case filing system on the following who are listed on the Court's Electronic Mail Notice List:

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